

REMARKS

Applicant is pleased to be informed that independent claim 18 and dependent claims 19-23 are allowed.

35 U.S.C. § 102(e) Rejections

Claims 1, 3, 7, 8, and 16 have been rejected under 35 U.S.C. § 102(e) as being unpatentable over U.S. Patent No. 5,822,280 to Haas ("Haas").

Looking first at independent claim 1, it can be seen that the claimed time indicator functions because "when the front part and the back part are placed in contact, the reactant migrates into the colorant layer and reacts with the non-migratory form of the colorant converting the non-migratory form of the colorant to the migratory form of the colorant such that the migratory form of the colorant migrates to the interface and through the opaque layer to cause a visual color indication in the front part" (Underlining added).

Reviewing Haas, it is stated at column 9, lines 23-32, that

The activation agent migrates to the opaque viewing layer 31, 131 in a predetermined period of time to be absorbed therein. Such absorption activates the dye to enable it to migrate through the opaque viewing layer toward the other side causing an indication in the display region that the predetermined period of time has expired. Optionally, the activation agent contacts the dye, for example, to solubilize the dye to enable it to migrate through the opaque viewing layer 31, 131.

In Haas, a migrating modifier, the activation agent, migrates into the media and the media changes form, and the dye migrates into or through the media. A reaction with the dye or colorant does not occur, nor is it implied. In contrast, in the present invention the non-migratory dye reacts with the reactant to form a migratory form of the dye or colorant. Thus, Haas fails to disclose the operation of the present invention,

where the reactant reacts with the non-migratory form of a colorant and converts it into a migratory form, which then migrates into the media. Haas does not describe, teach or suggest that a reactant "reacts with the non-migratory form of the colorant converting the non-migratory form of the colorant to the migratory form of the colorant" as recited in independent claim 1.

U.S. Patent No. 5,633,836 and U.S. Patent No. 6,452,873 that were cited in the Office Action have been reviewed and they also do not describe, teach, or suggest that a reactant "reacts with the non-migratory form of the colorant converting the non-migratory form of the colorant to the migratory form of the colorant" as recited in independent claim 1.

Therefore, it is respectfully submitted that independent claim 1 (and claims 2-17 that depend thereon) are patentable over Haas.

Conclusion

It is believed that the entire application has been placed in condition for allowance. Favorable reconsideration is respectfully requested.

Respectfully submitted,

David J. Haas *et al.*

Dated: July 6, 2006

By: 

Richard T. Roche
Registration No. 38,599
Quarles and Brady LLP
411 East Wisconsin Ave.
Milwaukee, WI 53202
(414) 277-5805

5920435